

JURISDICTION AND VENUE

6. This action is brought pursuant to 28 U.S.C § 1332, in that the parties are citizens of different states and the amount in controversy exceeds \$75,000.00 exclusive of costs and interests. Plaintiff Lucas is a citizen of Connecticut. Defendant Government Employees Insurance Company is a citizen of Virginia. This Court has proper jurisdiction.

7. Pursuant to 28 U.S.C. § 1391, proper venue for this cause of action is the United States District Court for the District of Vermont.

8. The incident which forms the basis of this Complaint occurred in the town of St. Albans, Franklin County, Vermont, which is within the District of Vermont. This Court has proper venue.

FACTS

9. Plaintiffs hereby incorporate by reference all statements and allegations contained in the previous paragraphs as if fully set forth herein.

10. Plaintiffs and Defendant entered into an insurance contract, Policy # 4271800411 (“the Geico auto policy”) providing automobile insurance coverage to Plaintiff.

11. As of September 25, 2020, the Geico auto policy was in full force and effect.

12. The Geico auto policy included uninsured motor vehicle bodily injury coverage in the amount of \$300,000.

13. On September 25, 2020, at approximately 4:50 p.m., Michael Lucas was operating his vehicle, insured under the above-referenced GEICO policy, while traveling west in the Walmart parking lot at 700 Tuckers Way in the Town of St. Albans, Vermont.

14. At the same time and place, driver, Mr. Michael Boucher, attempted to reverse out of his parking space in northerly direction, failed to see Plaintiff Michael Lucas’s vehicle, failed to yield the right of way to Plaintiff Michael Lucas, and negligently caused his vehicle to crash into the vehicle driven by Plaintiff Michael Lucas.

CAUSE OF ACTION-NEGLIGENCE

15. Plaintiff repeats and realleges each of the preceding paragraphs as if fully stated in detail herein.

16. That on September 25, 2020, Defendant was negligent in his actions or omissions in operating a motor vehicle.

17. That on September 25, 2020, the Driver, Boucher, operated a motor vehicle in the Walmart parking lot at 700 Tuckers Way in the Town of St. Albans, Vermont, and carelessly and negligently maintained, controlled, and/or operated said motor vehicle in such a manner as to cause a collision with Plaintiff Michael Lucas causing him to suffer serious and permanent injuries as hereinafter more fully alleged.

18. That Defendant Boucher's actions and or omissions constitute a failure to use due care. The failure to use care was a proximate and producing cause of Plaintiff's injuries and damages as described more thoroughly below.

19. That as a direct and proximate result of the above-described negligence, Mr. Lucas suffered injuries including but not limited to bodily injury, pain, discomfort, disability, psychological distress, lost wages, mental anguish, loss of the capacity for the enjoyment of life, and medical expenses. These losses are either permanent or continuing in nature and Plaintiff will continue to suffer these losses in the future.

20. That as a further direct and proximate result of the above-stated negligence, Plaintiff, April Lucas, suffered the loss of consortium, services, society, support, comfort, and companionship of her husband, Plaintiff Michael Lucas, due to the injuries he suffered and continues to suffer.

21. Driver Michael Boucher is at fault for the subject collision.

22. Plaintiffs are legally entitled to recover damages from Mr. Boucher.

23. Mr. Boucher was not covered under any policy of auto liability insurance policy, or any other applicable policy, at the time of crash.

24. Defendant breached its insurance contract with Plaintiff by not compensating Plaintiffs for their damages and losses suffered as a result of the collision.

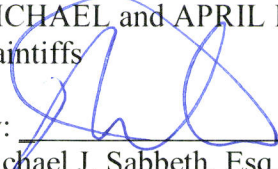
25. As a result of Defendant's breach of contract, the Plaintiffs have incurred, and will continue to incur, damages and losses in connection with the injuries sustained in the September 24, 2020, automobile collision.

26. As a direct and proximate result of the subject crash, Plaintiffs MICHAEL and APRIL LUCAS suffered, and continue to suffer, damages allowed by law in excess of \$75,000.

Therefore, the Plaintiffs, MICHAEL LUCAS and APRIL LUCAS, sue the Defendant, GEICO, for damages together with costs incurred herein, together with taxable costs necessarily incurred in the prosecution of their case as well as prejudgment interest and any further relief this Court finds just and equitable, and, pursuant to F.R.C.P. 28(b), demand trial by a jury of all issues triable as a matter of right.

DATED at White River Junction, Vermont, this 2ndth day of August 2022.

MICHAEL and APRIL LUCAS
Plaintiffs

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